

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

IONE ROUSSEAU and MARCELO	§	
MARTINEZ, on Behalf of Themselves and	§	
Others Similarly Situated	§	
	§	
v.	§	NO. SA-09-CV-651-XR
	§	
FREDERICK'S BISTRO, LTD. and	§	
FREDERICK F. COSTA	§	

**SCHEDULING ORDER**

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court has considered the recommendations for scheduling deadlines in the above numbered and styled cause and hereby issues the following Scheduling Order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88(b) shall be filed by **February 22, 2010**. A list of court-approved neutrals and alternative dispute resolution summary form may be obtained at <http://www.txwd.uscourts.gov/forms/mediator.asp>.

2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by **February 1, 2010** and each opposing party shall respond, in writing, by **February 15, 2010**.

3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by **December 15, 2009**.

4. All parties asserting claims for relief shall FILE their designation of potential witnesses, designation of testifying experts, and list of proposed exhibits, and shall SERVE on all parties, but not file the materials required by FED. R. CIV. P. 26(a)(2)(B) by **March 1, 2010**. Parties resisting claims for relief shall FILE their designation of potential witnesses, designation of testifying experts, and list of proposed exhibits, and shall SERVE on all parties, but not file the materials required by FED. R. CIV. P. 26(a)(2)(B) by **March 22, 2010**. All designations of rebuttal experts shall be FILED within 15 days of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within 14 days of receipt of the written report of the expert's proposed testimony, or within 10 days of the expert's deposition, if a deposition is taken, whichever is later.

6. The parties shall complete all discovery on or before **April 16, 2010**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed no later than **May 21, 2010**. Dispositive motions as defined in Local Rule CV-7(h) and responses to dispositive motions shall be limited to 25 pages in length.

8. This case is set for **Pretrial Conference on July 22, 2010 at 9:30 A.M.** and **Jury Selection/Trial on August 2, 2010 at 9:30 A.M.**, in Courtroom No. 3, First Floor of the John H. Wood, Jr. Courthouse, 655 E. Durango, San Antonio, Texas 78206. The parties shall file their pretrial submissions in the form set out in Rule CV-16(e) to the Local Rules for the Western District not later than **July 9, 2010**.

SIGNED this 21st day of October, 2009.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', written over a horizontal line.

XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE